

ATTACHMENT A TO SEPTEMBER 25, 2006
UWUA MOTION FOR FINDING OF CONTEMPT AND SANCTIONS

[text of July 20, 2006 e-mail from Charles Harak to Patricia French and Rob Dewees]

Rob, Trish: On behalf Local 273, I have reviewed all of the company's responses to the first two sets of UWUA Info. Requests, and find that half dozen or more are not responsive. In compliance with DTE practice, and as the most reasonable way to proceed, I ask that you agree to a time when we can discuss whether the company will supplement the answers that Local 273 finds not properly responsive. We can of course do this by conference call, but I can easily meet at Rob's office if that makes it easier to proceed.

I propose July 24 (after 11 AM) or July 25 (anytime). If those times are not acceptable, please contact me.

Charlie

P.S. I am copying Alex Cochis and Nikki Decter since I am certain that Alex is interested in a discovery conference and I believe that Nikki is as well. However, Local 273 sees no essential need to meet collectively and is more than willing to meet with the company one-on-one if that will facilitate moving the discovery process forward.

ATTACHMENT B

[text of September 5, 2006 e-mail from Charles Harak to Patricia French and Rob Dewees]

Trish and Rob: This is a renewed request by Local 273 for a discovery conference. Local 273 previously made such a request in writing by e-mail sent to each of you on July 20, to which I heard no reply. Shortly after returning from my vacation on August 7, I left a voice mail for Rob orally requesting a discovery conference. In light of the scheduled Sept. 7 status conference, I again ask that we have a discovery conference, preferably tomorrow, Sept. 6. I am free from about 2 PM on, or between 9 and 10.

Local 273 is particularly concerned in getting responsive answers to 1-8, 1-11 and 2-8 and will move to compel answers if we cannot reach a mutually satisfactory agreement at a discovery conference.

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ATTACHMENT C

[text of September 19, 2006 e-mail from Charles Harak to Patricia French and Rob Dewees]

Rob - At the September 7th conference, the Hearing Officer responded to UWUA's motion to compel an answer to UWUA 1-8 as follows:

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- 21 What I will
- 22 compel the company to produce is any and all
- 23 communications, e-mails, memos, notes and logs of
- 24 telephone calls between or amongst Steve Bryant, Dan

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- 1 Cote, and any other Bay State or NiSource employee,
- 2 advisor, or consultant during the year 2005.
- 3 MR. HARAK: Could I ask that the subject
- 4 be specified of those communications?
- 5 HEARING OFFICER BULGER: Did I say
- 6 service quality and staffing levels?
- 7 MR. HARAK: I think it should also
- 8 include the relationship between NiSource and Bay
- 9 State, which clearly is the subject of this present
- 10 proceeding.
- 11 HEARING OFFICER BULGER: Granted. Okay.

The Hearing Officer also required the company to supplement the answer to UWUA 1-11 (and a similar AG question), if necessary.

Further, the Hearing Officer directed the company to provide these additional answers in 7 days:

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- 18 HEARING OFFICER BULGER: And, Mr.
- 19 Dewees, when will you give Mr. Harak his answers?
- 20 MR. DEWEES: I can't tell you. I'll
- 21 have to consult with the company as to what it takes
- 22 to provide it.
- 23 HEARING OFFICER BULGER: I'll give you
- 24 seven days from today.

"Seven days from today" in this context seems to mean one calendar week, or September 14th. However, even if "seven days" means seven business days, the time for complying with the Hearing Officer's order has passed, yet the company has provided neither an actual response, nor an explanation of when those answers will be provided. The company appears to be in contempt of the Department's order, but I will wait until tomorrow before taking any further action on behalf of UWUA Local 273.

